

ZONING CHANGE REVIEW SHEET

CASE: 4109 Marathon (C14-2025-0023)

DISTRICT: 10

ADDRESS: 4107, 4109, 4109 ½ Marathon Boulevard

ZONING FROM: LO-ETOD-DBETOD

TO: LR-ETOD-DBETOD

SITE AREA: approximately 0.349 acres (approximately 15,200 square feet)

PROPERTY OWNER: Fadana Real Estate, LLC

AGENT: Armburst & Brown, PLLC (Michael Whellan)

CASE MANAGER: Jonathan Tomko (512) 974-1057, jonathan.tomko@austintexas.gov

STAFF RECOMMENDATION:

Staff recommends granting neighborhood commercial-equitable transit oriented development-density bonus equitable transit oriented development (LR-ETOD-DBETOD) combining district zoning. *For a summary of the basis of Staff's recommendation, please see the basis of recommendation section below.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

April 8, 2025: Recommended staff recommendation of LR-ETOD-DBETOD on the consent agenda – Motion by Commissioner Maxwell, seconded by Commissioner Haney, Commissioners Barrera-Ramirez and Hempel absent.

CITY COUNCIL ACTION:

May 22, 2025: Case is scheduled to be heard by City Council.

ORDINANCE NUMBER:

TBD

ISSUES: None

CASE MANAGER COMMENTS:

The subject tract currently contains a long covered, fenced, screened temporary garage structure, small 1-story store of approximately 1,400 square feet with approximately 4,300 square feet of paved area. It is located fronting Marathon Boulevard to the west, an ASMP level 1 street. Just across an alley to the east is a small automobile dealership, which fronts Lamar Boulevard to the east.

The applicant's requested zoning already exists on the tract immediately to the south, however there is a conditional overlay on that tract that prohibits drive-through facilities on the property. The parcel immediately to the south does contain off-street parking.

It is noted that the subject tract is within the ETOD overlay and is less than 500 feet from two Imagine Austin Corridors: North Lamar Boulevard to the east and Medical Parkway to the west.

BASIS OF RECOMMENDATION:

Zoning should allow for reasonable use of the property.

There is off-street parking on tracts immediately to the north and south of the subject tract. Granting this rezoning request on the subject tract for off-street accessory parking would be reasonable in light of off-street parking being present on those tracts. The tract to the north is a two-story office and it

abuts single family zoned property. The subject tract abuts more intense CS-V-ETOD-DBETOD zoning to the east and properties used as offices to the west, no single-family zoning.

Granting of the request should result in an equal treatment of similarly situated properties.

The applicant's requested zoning already exists on the tract immediately to the south, however there is a conditional overlay on that tract that prohibits drive-through facilities on the property. The parcel immediately to the south does contain some off-street parking.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO-ETOD-DBETOD	Long covered, fenced, screened temporary garage structure, small 1-story store of approximately 1,400 square feet with approximately 4,300 square feet of paved area.
<i>North</i>	LO-ETOD-DBETOD	2-story small office, approximately 9,100 square feet with approximately 8,600 square feet of paved area.
<i>South</i>	LR-CO-ETOD-DBETOD	First Citizens Bank, approximately 6,700 square feet 2-story bank branch with approximately 8,300 square feet of paved area.
<i>East (across alley)</i>	CS-V-ETOD-DBETOD	Auto dealership, approximately 10,000 square feet with approximately 3,200 square feet of paved area. A small 1-story office, approximately 3,500 square feet with approximately 1,000 square feet of paved area.
<i>West (across Marathon Blvd.</i>	LO-ETOD-DBETOD	Two small two-story offices, one in a single-family home. Approximately 2,000 square feet and 1,000 square feet respectively. One of the two offices has approximately 3,500 square feet of paved area which appears to be being used for off street parking.

NEIGHBORHOOD PLANNING AREA: Rosedale Neighborhood Planning Area, however, this is identified as a future planning area and there is no adopted neighborhood plan.

WATERSHED: Waller Creek Watershed

SCHOOLS: A.I.S.D.

Bryker Woods Elementary School

O Henry Middle School

Austin High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Neighborhood Council, Friends of Austin Neighborhoods, Homeless Neighborhood Association, North Austin Neighborhood Alliance, Preservation Austin, Rosedale Neighborhood Association, Save Our Springs Alliance, Shoal Creek Conservancy

Yes	Imagine Austin Decision Guidelines
Complete Community Measures *	
Y	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified in the Growth Concept Map. Names of Activity Centers/Activity Corridors/Job Centers *:

	<ul style="list-style-type: none"> • Adjacent to Lamar Boulevard Activity Corridor and Burnet Road Activity Corridor
Y	Mobility and Public Transit *: Located within 0.25 miles of public transit stop and/or light rail station. <ul style="list-style-type: none"> • 0.08 miles to bus stop along Burnet Rd at the intersection of 41st St; 0.16 miles to bus stop along N Lamar Blvd
Y	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane. <ul style="list-style-type: none"> • Sidewalk present along Marathon Blvd
Y	Connectivity, Good and Services, Employment *: Provides or is located within 0.50 miles to goods and services, and/or employment center. <ul style="list-style-type: none"> • Goods and Services present within 0.5 miles along N Lamar Blvd
Y	Connectivity and Food Access *: Provides or is located within 0.50 miles of a grocery store/farmers market. <ul style="list-style-type: none"> • 0.2 miles to Central Market along N Lamar Blvd
	Connectivity and Education *: Located within 0.50 miles from a public school or university.
Y	Connectivity and Healthy Living *: Provides or is located within 0.50 miles from a recreation area, park or walking trail. <ul style="list-style-type: none"> • 0.4 miles to Ramsey Neighborhood Park
Y	Connectivity and Health *: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.) <ul style="list-style-type: none"> • 0.5 miles to Ascension Seton Medical Center; 0.3 miles to Heart Hospital of Austin. Additional medical services present near intersection of 38th St and N Lamar.
	Housing Choice *: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Housing Affordability *: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	Mixed use *: Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy *: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation : Preserves or enhances a historically and/or culturally significant site.
	Creative Economy : Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education : Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land : Preserves or enhances industrial land.
Y	Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone
8	Number of "Yes's"

AREA CASE HISTORIES:

Number	Request	Commission	City Council
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C14-2019-0066 (Lamborghini Dealership – Aux Com Lot) – a portion of this site is included in this request)	The Applicant proposes to rezone approximately 7,600 square feet from LO to GR. Note: On May 28, 2019, the Applicant amended the rezoning request to GR-CO with the CO for a list of prohibited uses.	Case Expired August 2, 2020	
C14-2018-0044 (First Citizens Bank)	The applicant is proposing to rezone from LO to CS. Request amended to LR on 08-30-18.	08.07.2018: To grant LR-CO with a CO to prohibit drive through facilities. Motion by Commissioner Greenberg, seconded by Commissioner Duncan, Vote 7-2. Commissioner Breithaupt and Lavani voted nay. Commissioner Evans was absent.	10.04.2018: To grant LR-CO was approved on Council Member Pool's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.

RELATED CASES:

C14-2019-0066 (Lamborghini Dealership – Aux Com Lot) – see *area case histories* section above. This case expired on August 2, 2020, but does include a portion of the subject tract within its boundaries.

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning

Project Name and Proposed Use: 4107 MARATHON BOULEVARD. C14-2025-0023. Project: 4109 Marathon. 0.349 acres from LO-ETOD-DBETOD to LR-ETOD-DBETOD. Existing: retail. Proposed: retail and temporary off-site accessory parking lot. Note that the ETOD Overlay (Ordinance 20240516-005) may apply to this proposal.

Yes	Imagine Austin Decision Guidelines
Complete Community Measures *	
Y	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Names of Activity Centers/Activity Corridors/Job Centers *: <ul style="list-style-type: none"> • Adjacent to Lamar Boulevard Activity Corridor and Burnet Road Activity Corridor
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Y	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane. <ul style="list-style-type: none"> • Sidewalk present along Marathon Blvd

Y	Connectivity, Good and Services, Employment *: Provides or is located within 0.50 miles to goods and services, and/or employment center. <ul style="list-style-type: none"> • Goods and Services present within 0.5 miles along N Lamar Blvd
Y	Connectivity and Food Access *: Provides or is located within 0.50 miles of a grocery store/farmers market. <ul style="list-style-type: none"> • 0.2 miles to Central Market along N Lamar Blvd
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	Creative Economy : Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education : Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land : Preserves or enhances industrial land.
Y	Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone
8	Number of "Yes's"

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

5. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Fire

No comments on rezoning.

PARD – Planning & Design Review

PR1: Parkland dedication fees may apply to any future site or subdivision applications resulting from this rezoning. As of January 1, 2024, new commercial non-residential uses are not subject to parkland dedication requirements at the time of site plan and subdivision.

Site Plan

ETOD

SP1 The proposed use, if it serves the existing auto sales, is prohibited in 25-2-653. Auto sales are not permitted uses in ETOD/DBETOD districts.

SP2 A certification letter from the Housing Department is required before filing for a site development permit.

DBETOD

SP3 This site must meet affordability minimums per LDC 25-2-654 to be eligible for DBETOD. A signed approval letter from the Housing Department will be required with site plan submittal.

SP4 Subchapter E applies to this site to the extent of conflict

SP5 Marathon is your Principal Street for this site. 75% of the building frontage will be required to be commercial or civic uses.

Development Standards:

SP6 FYI: No more than two floors may include non-residential uses.

SP7 FYI: Cocktail lounges and performance venues can only be located on the first or second story.

SP8 FYI: No residential uses may be located below a cocktail lounge or performance venue.

SP9 FYI: Subdistrict 1 building height is limited to a maximum of 60' over base zoning, up to 120'

SP10 FYI: Subdistrict 2 building height is limited to a maximum of 30' over base zoning, up to 90'

ADMINISTRATIVE COMMENTS

SP11 Site plans will be required for any new development except for residential only project with up to 4 units.

SP12 Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP13 There is a site plan currently under review for this property (SPC-2019-0551A) which provides for auto sale uses, along with associated parking and drainage facilities.

Transportation and Public Works Department (TPW) – Engineering Review

- TPW 1. The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Marathon Blvd. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated according to the ASMP with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Marathon Blvd.	Level 1	58'	61'	40'	No	No	Yes

TIA:

A traffic impact analysis for this site is not required, the traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code.

Austin Water Utility


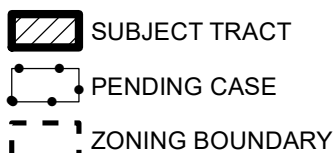
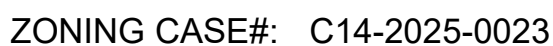
AW1. No comments on zoning change.

FYI: The landowner intends to serve the site with existing City of Austin water utilities.

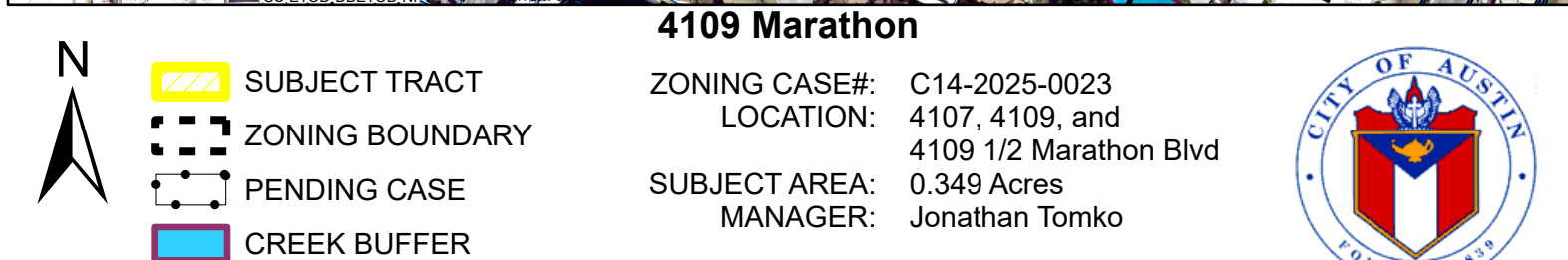
Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

- A. Zoning Map
- B. Aerial Map
- C. Applicant's Summary Letter



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February 27, 2025

Joi Harden, Planning Officer
Planning Department
6310 Wilhelmina Delco Dr.
Austin, Texas 78752

Subject: Rezoning for 4107, 4109, and 4109 ½ Marathon Blvd. (the “Property”)

Dear Ms. Harden,

On behalf of Fadana Real Estate, LLC (the “Owner”), I request that the city rezone the Property from LO-ETOD-DBETOD to LR-ETOD-DBETOD, changing the base zoning district from Limited Office (“LO”) to Neighborhood Commercial (“LR”). This letter replaces the letter dated July 15, 2024.

This request will allow the Property to temporarily serve as off-site parking for a nearby use – an interim strategy that will allow the Owner to make use of the Property in the short term while planning for its future. The LR designation is consistent with other adjacent zoning and would require a future rezoning if the Owner sought a more intense development in the future.

Case Background

The Property is bounded on two sides by right-of-way (Marathon Boulevard to the west and an alleyway to the east) and is largely surrounded by commercially zoned property (with some limited single-family property across Marathon Boulevard and at the corner of Marathon Boulevard and West 42nd Street):

- South (Abutting): LR-CO-ETOD-DBETOD
- North (Abutting): LO-ETOD-DBETOD
- East (Across Alleyway): CS-V-ETOD-DBETOD
- West (Across Marathon): LO-ETOD-DBETOD, SF-3

To date, the Owner has used the Property primarily for small retail space – and, for a period of time, for unofficial off-site accessory parking related to a nearby auto sales use. The Owner is seeking rezoning to the LR zoning district to provide some modest site flexibility, such as reduced side setbacks, that would help them bring the Property into compliance so that they may use it as off-site accessory parking – until such time as they determine the Property’s long-term future use.

Case Rationale

Last year, Council rezoned the Property and surrounding properties for the Equitable Transit-Oriented Development Combining District (“ETOD”) and Density Bonus ETOD Combining District (“DBETOD”). The Owner recognizes that the city’s long-term vision for properties along North Lamar Boulevard is to transition to transit-oriented, mixed-use growth.

In the meantime, the Owner would like to continue to use the Property for a lower-intensity use that maintains site flexibility – specifically, as off-site accessory parking.

The Owner believes that the requested LR-ETOD-DBETOD zoning is appropriate for three main reasons:

- **It is consistent with the surrounding land-use context and with precedent on Marathon Boulevard.** The city has already zoned most of the block for commercial uses – including the neighboring parcels to the south, which already feature LR base zoning (the same base zoning the Owner is requesting in this case). Additionally, the tract to the north of the Property already features development up to the lot line, establishing precedent for more flexible setbacks.
- **LR is a lower-intensity base zoning district.** As noted, the Owner has not made final decisions regarding the Property's future use. In recognition of this uncertainty, the Owner is only requesting a smaller-scale zoning designation that will allow for a lower-intensity interim use. Once the Owner has a clearer vision for the Property's future use, they can then seek rezoning to the appropriate designation at that time.
- **The requested use will still require a conditional use permit – and thus, additional city oversight.** Council converted off-site accessory parking into a conditional use on all parcels designated for ETOD (which includes this Property). This provision will require the Owner to seek a conditional use permit, at the city's discretion, in order to operate an off-site accessory parking use.

We believe that our request for LR-ETOD-DBETOD zoning is reasonable, appropriate, and supported by the surrounding land-use context. I appreciate your consideration and am available if you have questions or if you would like to discuss this case further.

Respectfully,

A handwritten signature in black ink, appearing to read 'Michael J. Whellan', with a long horizontal flourish extending to the right.

Michael J. Whellan